

HOUSE BILL 848

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R6
HB 872/02 - CGM

2003 Regular Session
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By: **Delegates Mandel, Barkley, Benson, Bobo, Bronrott, V. Clagett, Conroy,
Goldwater, Heller, Marriott, Montgomery, and V. Turner**

Introduced and read first time: February 7, 2003

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Transportation - School Vehicles - Safety Standards**

3 FOR the purpose of requiring a person who transports children to school or certain
4 activities to transport the children in a vehicle that conforms to certain safety
5 standards; establishing certain exceptions to the requirement; authorizing the
6 use of a nonconforming vehicle to transport children to school or certain
7 activities under certain circumstances; altering the definition of "school vehicle";
8 providing that certain vehicles are excepted from the definition of "school
9 vehicle"; requiring the Motor Vehicle Administration to adopt regulations
10 governing safety standards for school buses; requiring the regulations of the
11 Administration to conform to certain federal standards; making certain stylistic
12 changes; and generally relating to safety standards for school vehicles in the
13 State.

14 BY repealing and reenacting, with amendments,
15 Article - Transportation
16 Section 11-154 and 25-110
17 Annotated Code of Maryland
18 (2002 Replacement Volume)

19 BY adding to
20 Article - Transportation
21 Section 22-419
22 Annotated Code of Maryland
23 (2002 Replacement Volume)

24 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
25 MARYLAND, That the Laws of Maryland read as follows:

1 **Article - Transportation**

2 11-154.

3 (a) "School vehicle" means, except as provided in subsection (b) of this section,
4 any motor vehicle that:

5 (1) Is used regularly for the exclusive transportation of children,
6 students, or teachers for educational purposes or in connection with a school activity;
7 and

8 (2) Is either:

9 (i) A Type I school vehicle, as defined in this subtitle; or

10 (ii) A Type II school vehicle, as defined in this subtitle.

11 (b) "School vehicle" does not include:

12 (1) A privately owned vehicle while it is carrying members of its owner's
13 household and not operated for compensation; or

14 (2) A vehicle that is registered as a Class M (multipurpose) vehicle under
15 § 13-937 of this article or a Class A (passenger) vehicle under § 13-912 of this article
16 and used to transport children between one or more schools or licensed child care
17 centers or to and from designated areas that are approved by the Administration if:

18 (i) 1. [The] UNTIL OCTOBER 1, 2008, THE vehicle is designed for
19 carrying 15 persons or less, including the driver, AND THE VEHICLE WAS USED
20 BEFORE OCTOBER 1, 2003, TO TRANSPORT CHILDREN UNDER THE AGE OF 18 YEARS
21 TO OR FROM SCHOOL, A SCHOOL-RELATED ACTIVITY, A CHILD CARE CENTER, OR A
22 CIVIC, EDUCATIONAL, ATHLETIC, SOCIAL, OR RECREATIONAL ACTIVITY, INCLUDING
23 A DAY OR SUMMER CAMP; AND

24 2. BEGINNING OCTOBER 1, 2008, THE VEHICLE IS DESIGNED
25 FOR CARRYING 15 PERSONS OR LESS, INCLUDING THE DRIVER, AND IS USED TO
26 TRANSPORT NO MORE THAN 10 PERSONS, INCLUDING THE DRIVER;

27 (ii) The children are permitted to embark or exit the vehicle only at
28 a school or child care center or a designated area approved by the Administration;

29 (iii) The owner has obtained vehicle liability insurance or other
30 security as required by Title 17 of this article; and

31 (iv) The vehicle is equipped with proper seat belts or safety seats so
32 as to permit each child to be secured in a seat belt or a safety seat as required by §§
33 22-412.2 and 22-412.3 of this article.

1 22-419.

2 (A) EXCEPT AS PROVIDED IN SUBSECTIONS (B) AND (C) OF THIS SECTION, A
3 PERSON WHO TRANSPORTS CHILDREN UNDER THE AGE OF 18 YEARS TO OR FROM
4 SCHOOL, A SCHOOL-RELATED ACTIVITY, A CHILD CARE CENTER, OR A CIVIC,
5 EDUCATIONAL, ATHLETIC, SOCIAL, OR RECREATIONAL ACTIVITY, INCLUDING A DAY
6 OR SUMMER CAMP, SHALL TRANSPORT THE CHILDREN IN A VEHICLE THAT
7 CONFORMS TO FEDERAL SCHOOL BUS SAFETY STANDARDS UNDER 49 U.S.C. § 30125(B)
8 AND APPLICABLE FEDERAL REGULATIONS.

9 (B) THIS SECTION DOES NOT PROHIBIT:

10 (1) A COMMON CARRIER THAT IS NOT PRIMARILY ENGAGED IN THE
11 TRANSPORTING OF CHILDREN UNDER THE AGE OF 18 YEARS FROM TRANSPORTING
12 CHILDREN UNDER THE AGE OF 18 YEARS IN A VEHICLE DESIGNED TO CARRY AT
13 LEAST 28 PASSENGERS;

14 (2) A PERSON FROM TRANSPORTING CHILDREN TO OR FROM SCHOOL, A
15 SCHOOL-RELATED ACTIVITY, A CHILD CARE CENTER, OR A CIVIC, EDUCATIONAL,
16 ATHLETIC, SOCIAL, OR RECREATIONAL ACTIVITY, INCLUDING A DAY OR SUMMER
17 CAMP, IN:

18 (I) A PRIVATELY OWNED VEHICLE THAT IS:

19 1. CARRYING MEMBERS OF THE VEHICLE OWNER'S
20 HOUSEHOLD; AND

21 2. NOT OPERATED FOR COMPENSATION;

22 (II) A LICENSED TAXICAB UNDER CONTRACT WITH A COUNTY
23 BOARD OF EDUCATION AS DEFINED BY § 1-101(D) OF THE EDUCATION ARTICLE; OR

24 (III) A PRIVATELY OWNED VEHICLE OF A FAMILY CHILD CARE
25 PROVIDER REGISTERED UNDER TITLE 5, SUBTITLE 5 OF THE FAMILY LAW ARTICLE;
26 OR

27 (3) A TRANSPORTATION SERVICE THAT USES A VEHICLE THAT DOES
28 NOT CONFORM TO 49 U.S.C. § 30125(B) AND APPLICABLE FEDERAL REGULATIONS
29 FROM TRANSPORTING CHILDREN TO OR FROM SCHOOL, A SCHOOL-RELATED
30 ACTIVITY, A CHILD CARE CENTER, OR A CIVIC, EDUCATIONAL, ATHLETIC, SOCIAL, OR
31 RECREATIONAL ACTIVITY, INCLUDING A DAY OR SUMMER CAMP, UNDER A PRIVATE
32 CONTRACT WITH:

33 (I) A PARENT OR GUARDIAN OF A CHILD; OR

34 (II) A PERSON WHO SUPERVISES A CHILD UNDER AN
35 OUT-OF-HOME PLACEMENT PROGRAM.

36 (C) (1) IF A VEHICLE THAT DOES NOT COMPLY WITH THIS SECTION WAS
37 USED TO TRANSPORT CHILDREN UNDER THE AGE OF 18 YEARS TO OR FROM SCHOOL,

1 A SCHOOL-RELATED ACTIVITY, A CHILD CARE CENTER, OR A CIVIC, EDUCATIONAL,
2 ATHLETIC, SOCIAL, OR RECREATIONAL ACTIVITY, INCLUDING A DAY OR SUMMER
3 CAMP, BEFORE OCTOBER 1, 2003, THE VEHICLE MAY BE USED TO TRANSPORT
4 CHILDREN UNDER THE AGE OF 18 YEARS UNTIL OCTOBER 1, 2008.

5 (2) BEGINNING OCTOBER 1, 2008, A VEHICLE THAT DOES NOT COMPLY
6 WITH THIS SECTION MAY BE USED TO TRANSPORT CHILDREN UNDER THE AGE OF 18
7 YEARS IF THE VEHICLE IS USED TO TRANSPORT NO MORE THAN 10 PERSONS,
8 INCLUDING THE DRIVER.

9 25-110.

10 (a) (1) With the advice of the State Department of Education, the [Motor
11 Vehicle] Administration shall adopt and enforce [rules and] regulations not
12 inconsistent with the Maryland Vehicle Law to govern [the]:

13 (I) SAFETY STANDARDS FOR SCHOOL BUSES; AND

14 (II) THE safe operation of all school vehicles.

15 (2) The following shall be subject to the [rules and] regulations adopted
16 under this section:

17 (i) Every school or school district and its officers and employees;

18 (ii) Every person employed under contract by a school or school
19 district; and

20 (iii) Every person that owns or operates a school vehicle.

21 (3) REGULATIONS ADOPTED UNDER THIS SECTION SHALL CONFORM TO
22 FEDERAL SCHOOL BUS SAFETY STANDARDS UNDER 49 U.S.C. § 30125(B) AND
23 APPLICABLE FEDERAL REGULATIONS.

24 (b) (1) Any officer or employee of any school or school district who violates
25 any [rule or] regulation adopted under this section or fails to include the obligation to
26 comply with these [rules and] regulations in any contract executed by [him] THE
27 OFFICER OR EMPLOYEE on behalf of a school or school district is guilty of misconduct
28 and subject to removal from office or employment.

29 (2) Any person that owns or operates a school vehicle and violates any
30 rule or regulation adopted under this section is guilty of a misdemeanor and the
31 vehicle involved is subject to suspension or revocation of its registration.

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
33 October 1, 2003.